

AMENDED IN ASSEMBLY MARCH 27, 2003

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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 115

**Introduced by Assembly Members Jerome Horton and
Ridley-Thomas
(Coauthor: Assembly Member Cohn)**

January 14, 2003

An act to amend Sections 35294.7, 35294.8, and 44276.1 of, and to add Section 44276.2 to, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 115, as amended, Jerome Horton. School safety.

Existing law makes each school district and county office of education responsible for the overall development of comprehensive school safety plans for ~~its~~ schools operating ~~any~~ kindergarten and any of grades 1 to 12, inclusive. Existing law requires the Superintendent of Public Instruction, upon determining that there is a willful failure to make any required report relating to ~~the~~ a school safety ~~plans~~ plan, to notify the school district or county office of education in which the willful failure occurred and to make an assessment of \$500 against the school district or county office of education.

This bill would increase the penalty for a willful failure to make a report to \$5,000. The bill would also require the superintendent to notify the Commission on Teacher Credentialing within 30 days of the willful violation and to notify the commission again in writing if a principal or site administrator of a school district or county office of

education receives written notice of the violation and fails to correct the violation within 3 months of the notice. The bill would require the commission to suspend, as provided, the credentials of the principal or site administrator who receives notice of the willful violation and fails to correct the violation within 3 months of the notice.

Existing law provides for the establishment of a schoolsite council and requires the council to develop and adopt ~~the~~ a comprehensive school safety plan, as prescribed.

This bill would impose a state-mandated local program by requiring each school district or county office of education to establish an oversight committee, ~~to be composed as specified~~, to ensure that its schools prepare a comprehensive school safety plan, to inspect the schools for safety violations, and to monitor schools determined to be in violation of specified laws relating to the school safety plans. The bill would provide that membership on the committee is voluntary and that committee members may not assert claims for compensation against the school district, county office of education, or the State of California.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35294.7 of the Education Code is
- 2 amended to read:
- 3 35294.7. (a) If the Superintendent of Public Instruction
- 4 determines that there has been a willful failure to make any report
- 5 required by this article, the Superintendent of Public Instruction
- 6 shall do all of the following:



(1) Notify the school district or the county office of education in which the willful failure has occurred of the determination.

(2) Make an assessment of not more than five thousand dollars (\$5,000) against that school district or county office of education. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

(3) Within 30 days, notify the Commission on Teacher Credentialing in writing of the willful violation.

(b) The Superintendent of Public Instruction shall also notify the Commission on Teacher Credentialing in writing if a principal or site administrator of a school district or county office of education receives written notice from the superintendent of a willful violation of this article and fails to correct the violation within three months of the written notice.

SEC. 2. Section 35294.8 of the Education Code is amended to read:

35294.8. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons that have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

1 (A) A representative of the local churches.

2 (B) Local civic leaders.

3 (C) Local business organizations.

4 (c) In order to ensure compliance with this article, each school
5 district or county office of education shall annually notify the State
6 Department of Education by October 15 of any schools that have
7 not complied with Section 35294.1.

8 (d) Each school district or county office of education, except
9 those small school districts as defined in paragraph (2) of
10 subdivision (d) of Section 35294.1, shall establish one or more
11 oversight committees to ensure compliance with this article. The
12 oversight committee or committees ~~shall be composed of the~~
13 ~~following members:~~

14 ~~(1) One teacher who is a member of an organization~~
15 ~~representing certificated employees of the respective district or~~
16 ~~county office of education.~~

17 ~~(2) One administrator from a school district or county office of~~
18 ~~education. If the school district or county office of education~~
19 ~~establishing the oversight committee is under investigation for a~~
20 ~~violation of this article, the administrator shall be from a school~~
21 ~~district or county office of education other than the school district~~
22 ~~or county office of education that is under investigation.~~

23 ~~(3) One representative from a local law enforcement agency.~~

24 ~~(4) One parent whose child is enrolled in a school governed by~~
25 ~~the school district or county office of education.~~

26 ~~(5) One classified employee who is a member of an~~
27 ~~organization representing classified employees of the respective~~
28 ~~district or county office of education.~~

29 ~~(6) Other members, if desired, may be composed of parents,~~
30 ~~community members, or other citizens, concerned with school~~
31 ~~safety. A person who is a retired teacher, retired school~~
32 ~~administrator, or retired law enforcement personnel is not~~
33 ~~ineligible to serve on the committee.~~

34 (e) The oversight committee established pursuant to
35 subdivision (d) shall do all of the following:

36 (1) Ensure that its schools prepare a comprehensive safety plan
37 pursuant to subdivision (a) of Section 35294.1.

38 (2) Make unannounced visits to its schools ~~on a regular basis~~
39 to assess the safety of the schoolsite.

1 (3) Monitor its schools determined to be in violation of this
2 article until the requirements of this article are satisfied.

3 (f) Service on the oversight committee, established pursuant to
4 subdivision (d), shall be on a volunteer basis. A member of the
5 oversight committee may not receive compensation for service on
6 the committee, ~~however, members of the oversight committee~~
7 ~~may receive reasonable reimbursement of costs that are necessary~~
8 ~~and directly related to the duties of the oversight committee and~~
9 ~~that are approved by the school district or county office of~~
10 ~~education.~~ A member of the oversight committee may not assert
11 a claim against the school district, county office of education, or
12 the State of California for compensation for service on the
13 oversight committee.

14 (g) As a means to assist in monitoring school safety, each
15 oversight committee shall establish an address for members of the
16 public to report safety complaints. The address shall be posted at
17 all schools within the school district or county office of education
18 in a prominent place.

19 SEC. 3. Section 44276.1 of the Education Code is amended
20 to read:

21 44276.1. (a) The Legislature finds and declares the
22 following:

23 (1) The education mission of schools may be thwarted when
24 school campuses are not safe, secure, and peaceful.

25 (2) Effective school management can improve school safety
26 and decrease violence and criminal behavior.

27 (3) In many school districts and neighborhoods, violence and
28 criminal behavior are increasingly frequent.

29 (4) Teachers and other educators who are well prepared in
30 principles of school safety may be able to mitigate to some degree
31 the detrimental behavior of pupils and others on school campuses.

32 Therefore, it is the intent of the Legislature that a
33 comprehensive school safety plan is established pursuant to
34 Section 35294.1 in order to achieve safe, secure, and peaceful
35 school campuses and that the Commission on Teacher
36 Credentialing adopt standards that address the principles of school
37 safety included in the plan in the preparation of future classroom
38 teachers, school administrators, school counselors, and other pupil
39 personnel service providers as a condition for licensing these
40 prospective practitioners.

(b) Standards adopted by the commission pursuant to paragraph (3) of subdivision (b) of Section 44259, and pursuant to Sections 44266, 44270, 44277, and 44372, shall include the effective preparation of prospective classroom teachers, school administrators, school counselors, and other pupil personnel service providers in principles of school safety. In developing these standards, the commission shall consider, but is not limited to considering, the following principles of school safety:

(1) School management skills that emphasize crisis intervention and conflict resolution.

(2) Developing and maintaining a positive and safe school climate, including methods to prevent the possession of weapons on school campuses.

(3) Developing school safety plans.

(4) Developing ways to identify and defuse situations that may lead to conflict or violence.

(c) In developing standards relating to school safety, the commission shall consider the findings and recommendations of an advisory panel of experts on school violence.

(d) The commission shall allow an institution of postsecondary education to meet the standards developed by the commission relating to school safety by incorporating the principles of school safety in the program required by paragraph (3) of subdivision (b) of Section 44259.

(e) Implementation of subdivision (b) of this section as it applies to paragraph (3) of subdivision (b) of Section 44259 shall occur in conjunction with the review of requirements for earning and renewing multiple and single subject teaching credentials, as required by Section 44259.3.

(f) Instruction in principles of school safety shall be required of all candidates for credentials specified in Sections 44259, 44266, and 44270.

(g) A credential that was issued prior to January 1, 1994, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission may not, by regulation, invalidate an otherwise valid credential, unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no less restrictive than the credential for which it was substituted with

1 respect to the kind of service authorized and the grades, classes, or
2 types of schools in which it authorizes service.

3 (h) Notwithstanding this section, persons who were
4 performing teaching, administrative, counseling, or other pupil
5 personnel services as of January 1, 1994, pursuant to the language
6 of this chapter that was in effect prior to that date, may continue
7 to perform those services without complying with any
8 requirements added by the amendments adding this section.

9 (i) The commission shall grant credentials based on the
10 requirements for those credentials as of December 31, 1993, to
11 candidates who, prior to the effective date of the commission's
12 adoption of standards pursuant to this section, were in the process
13 of meeting those credential requirements.

14 SEC. 4. Section 44276.2 is added to the Education Code, to
15 read:

16 44276.2. A principal or site administrator of a school district
17 or county office of education that has received written notice by
18 the Superintendent of Public Instruction of a willful violation of
19 Article 10.3 (commencing with Section 35294) of Chapter 2 of
20 Part 21 and fails to correct the violation within three months of the
21 written notice shall have his or her credentials suspended by the
22 commission for up to six months until the commission makes a
23 determination as to the appropriate disciplinary action.

24 SEC. 5. Notwithstanding Section 17610 of the Government
25 Code, if the Commission on State Mandates determines that this
26 act contains costs mandated by the state, reimbursement to local
27 agencies and school districts for those costs shall be made pursuant
28 to Part 7 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the claim for
30 reimbursement does not exceed one million dollars (\$1,000,000),
31 reimbursement shall be made from the State Mandates Claims
32 Fund.